



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
OFFICE OF CONTROLLED SUBSTANCES

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING NOTICE:	CONTROLLED SUBSTANCE COMMITTEE
DATE AND TIME:	Wednesday November 29, 2017 at 9:00 a.m.
PLACE:	Buena Vista Conference Center, Buck Library, First Floor, 661 S. DuPont Highway, New Castle, Delaware 19720
APPROVED:	January 24, 2018

MEMBERS PRESENT

Michael Kremer, DMD, Dental Representative, President
Philip Kim, M.D., Medical Representative
Jo Ann M. Baker, DNP, RN, FNP-C, Nursing Representative
Alex Zarow, R.Ph., Pharmacy Representative
Herb E. Von Goerres, R.Ph., Pharmacy Representative
Mark Hanna, Public Representative

MEMBERS ABSENT

Stephen Ruggles, PA-C, PA Representative

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

David Mangler, Director, Division of Professional Regulation
Eileen Kelly, Deputy Attorney General
Christine Mast, Administrative Specialist III
Jason Slavoski, PharmD, Pharmacist Administrator (PMP)

ALSO PRESENT

Hooshang Shanehsaz
Tejal Patel
David Dryden
Julia Lewis

CALL TO ORDER

Mr. Kremer called the meeting to order at 9:03 am.

REVIEW AND APPROVAL OF MINUTES

A motion was made by Ms. Baker, seconded by Mr. Von Goerres, to approve the minutes for September 27, 2017. The motion unanimously carried.

PRESIDENT'S REPORT

Dr. Kremer announced the resignation of veterinary committee member Dr. Arthur Jankowski, DVM. Dr. Kremer wanted to publicly thank him for his service on the committee. The Division of Professional Regulation is currently working on a replacement.

UNFINISHED BUSINESS

§4762 Hypodermic syringe or needle; delivering or possessing; disposal; exceptions – Board of Pharmacy recommendation – Ms. Kelly read the Board of Pharmacy request to strike language requiring a prescription to obtain hypodermic syringes. Ms. Shanehsaz, Board of Pharmacy stated

neighboring states have amended their statute and regulation removing this requirement. The hypodermic syringes will still be required to be secured in the pharmacy department and a dispensing log would be required to be kept by the pharmacy. A motion was made by Dr. Kremer and seconded by Mr. Von Goerres to remove the prescriptive requirement for hypodermic syringes. The motion carried. Ms. Kelly will prepare draft statutory and regulatory changes to be presented to the committee at a future date.

Addressing Co-Prescription of Benzodiazepines and Opioids – Ms. Kelly provided examples of other states statute and regulation for review. Ms. Kelly provided proposed changes to regulation 9.0 for review. Dr. Kim has concerns regarding how the risk factor may have been developed. Every patient is different. Dr. Kremer stated there is currently no data for stated risk factors. These changes need to be broad so as not to have a non-intended consequence on patient treatment. Dr. Kremer stated that Pennsylvania statute and regulation best suits the need in Delaware. Ms. Kelly will determine where in regulation 9.0 these changes should occur.

Signing of Recommendation in the Matter of Pill Box Pharmacy Case 38-18-15 – Ms. Kelly reviewed the final order with the committee. The committee signed the order for processing.

NEW BUSINESS

Paul J Hannan, M.D. – Hearing Officer Recommendation – Ms. Kelly stated that exceptions for the recommendation were required to be received in 20 days after the recommendation was signed. No exceptions were received in the 20 day window. Attorney Mr. Griffin representing Dr. Hannan sent a request for this 20 day window to be extended to allow a submission of exception since Dr. Hannan is only recently represented by an attorney. Ms. Kelly stated that the statute only allows 20 days. Ms. Stewart Prosecuting Attorney for the Department of Justice responded in writing with an objection to the request. She stated that the 20 day deadline is mandated by statute and that time has passed. She stated that if an exception is granted contrary to the statute she would request that the state be allowed to file further exception as well. A motion was made by Mr. Von Goerres and seconded by Dr. Kremer to deny the request for extension. The motion carried.

Ms. Kelly stated that the hearing officer recommendation will be reviewed during the January 24, 2018 meeting.

DIRECTOR'S REPORT

Mr. Mangler stated that he is currently in the interview process for the Drug Control Administrator position. He is hopeful to fill the position in January 2018.

The state currently has 215 over dose deaths to date. Eleven of those were this past holiday weekend. In 2016 there were 308 in total. Dr. Kim asked if there was data to show how many deaths occurred from illicit drugs versus prescribed drugs. Mr. Mangler stated that the ability to determine the difference in prescriptive medication and illicit drugs in toxicology reporting is not available at this time.

Case/Diversion Review

None

Current Events

None

PMP Review

Mr. Slavoski reported the new platform PMP Aware went live on November 7th. There were previously 8200 users; migrated 7744; 300 daily active users; 2000 active users in the system.

NABP signed the interstate sharing MOU to allow sharing with Pennsylvania and New Jersey. Maryland will be on board in the near future.

User database statistics: of the 7744 users; 15% Pharmacists; 5% Physician Assistants; 41% Practitioners; 12% Advanced Practice Nurses; 11% Delegates. Mr. Slavoski expects these numbers to change. Reporting tools are still being developed and are unavailable however, will be available in the near future. Dr. Kremer asked if there is an ability to identify unregistered users that are required by statute to be registered. Mr. Slavoski stated that this is another area that is being reviewed and is identifiable. These practitioners will be contacted to bring them into compliance with the PMP registration requirements.

Mr. Slavoski stated that Narcs Care will be going online and Delaware will be the 1st state utilizing this tool.

Mr. Slavoski reported that he is also currently working on providing educational outreach based on risk scores once the reporting tools become available.

COMMITTEE REPORTS

Medical Examiner's Report

No Report

DEA Report

No report

Substance Abuse Report

No Report

Law Enforcement Report

No Report

Regulatory Committee Report

No Report

Legislative Committee Report

No Report

INSPECTION REPORT

No Report

Continuing Education Review

None

Request to Waive Disciplinary Fine – Allison Brown, PA

Dr. Kremer read Ms. Browns letter of request to waive the fine of \$1000.00 imposed through disciplinary action. The committee asked Ms. Kelly if the statute or regulation stated regarding the disciplinary action. The committee reviewed the final order of the disciplinary action. A motion was made by Mr. Von Goerres and seconded by Ms. Baker to deny the request to waive the fine. The motion carried.

COMMITTEE CORRESPONDENCE

None

OTHER BUSINESS BEFORE THE BOARD

Ms. Kelly stated that changes regarding the committee requirement in the decision making process is too restrictive and should be changed to state only a quorum of the committee is required for the decision making process. Ms. Kelly will bring a draft of these changes to the committee next meeting.

Dr. Kim expressed the need for medical cannabis information to be included in the PMP reporting data base. Patients using medical cannabis could be at risk for contraindication if the practitioner is not aware they are using cannabis.

PUBLIC COMMENT

Mr. Mangler stated he is reviewing vacancies in the committee and working diligently to fill those vacancies. He also stated that terms of current members have expired with committee members carrying over until replacements can be found. He also stated that replacing committee members over a period of time would be more beneficial to the committee.

Mr. Mangler thanked Dr. Philip Kim for his service to the committee.

Dr. Kremer expressed the importance of having a pain management practitioner sit on the committee. With the current opioid crisis and the ongoing treatment of chronic pain patients that input is invaluable.

The committee expressed the desire to increase term limits to include an additional 3 year term. They will work with Ms. Kelly to draft this request to the Secretary of State.

NEXT SCHEDULED MEETING

The next regular meeting will be held on January 24, 2018 at 9:00 am at the Buena Vista Conference Center, DuPont Room, 2nd Floor.

ADJOURNMENT

A motion was made by Dr. Kremer, seconded by Mr. Hanna, to adjourn the meeting at 10:10 am. The motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast", written in a cursive style.

Christine Mast
Administrative Specialist III
Office of Controlled Substances